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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bour, David P.; Gardner, Nathan F.; Goetz, Werner K.; Stockman, Stephen A.; Takeuchi, Tetsuya; Hasnain, Ghulam; Kocot, Christopher P.; Hueschen, Mark R.

Assignee: LumiLeds Lighting, U.S. LLC

Title: Light Emitting Diodes With Graded Composition Active Regions

Serial No.: 09/912,589 Filing Date: July 24, 2001

Examiner: unknown Group Art Unit: unknown

Docket No.: M-8772 US

San Jose, California

BOX NON-FEE
COMMISSIONER FOR PATENTS
Washington, D. C. 20231

DECLARATION BY APPLICANTS PURSUANT TO 37 C.F.R. §1.131

Dear Sir:

David P. Bour, Nathan F. Gardner, Werner K. Goetz, Stephen A. Stockman, Tetsuya Takeuchi, Ghulam Hasnain, Christopher P. Kocot, and Mark R. Hueschen declare as follows:

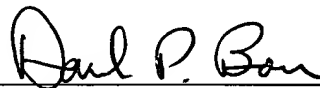
1. We are co-inventors in the above-referenced patent application (the "Application").
2. Attached hereto as Exhibit A is a portion of a figure prepared by one of us prior to June 7, 2001 which shows a simulated band structure for a portion of a light emitting device covered by independent Claims 1, 9, 18, and 25.
3. Also attached hereto as Exhibit B is a portion of a figure prepared by one of us prior to June 7, 2001 which shows a simulated band structure for a portion of a light emitting device covered by independent Claims 1 and 9.

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

4. Accordingly, Exhibits A and B demonstrate conception of the inventions claimed in independent Claims 1, 9, 18, and 25 prior to the June 7, 2001 publication date of PCT Patent Application WO 01/41224 A2.

5. The simulated band structures of Exhibits A and B demonstrate that the inventions would work for their intended purpose.

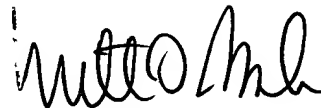
We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



David P. Bour

18 Oct 2001

Date



Nathan F. Gardner

September 11, 2001

Date



Werner K. Goetz

September 26, 2001

Date

LAW OFFICES OF
SKJERVE MORRILL
MACPHERSON LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

Stephen A. Stockman
Stephen A. Stockman

9-17-01
Date

Tetsuya Takeuchi
Tetsuya Takeuchi

10/18/01
Date

Ghulam Hasnain
Ghulam Hasnain

9/17/01
Date

Christopher P. Kocot
Christopher P. Kocot

10/24/01
Date

Mark R. Hueschen
Mark R. Hueschen

10/19/01
Date

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LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979